IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SECOND DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

-

WRIT PETITION NO : 1248 of 2005

Between:

S.Prakash Rao, s/o late Suraiah,
R/o D.No.1-66/1, Ganesh Nagar, China Mushidivada Post, Pendurthi Mandal,
Visakhapatnam District.

..... PETITIONER

AND

1 The District Collector, Visakhapatnam.
2 The Joint Collector, Visakhapatnam.
3 The Mandal Revenue Officer, Pendurthi Mandal, Visakhapatnam District.
4 The Secretary, China Musidivada Grampanchayat Pendurthi Mandal,

Visakhapatnam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ of mandamus or any other appropriate writ or direction declaring the action of the respondent in proposing to assign the land admeasuring an extent of Ac.0.31 cents in Sy.No.113/54 of Chinamushidiwada Village, Pendurthi Mandal, Visakhapatnam District without following the due process of law as illegal, arbitrary and one without jurisdiction and consequently direct the respondents not to dispossess the petitioners from the land admeasuring an extent of Ac.0.31 cents in Sy.No.113/54 of Chinamushidiwada Village, Pendurthi Mandal, Visakhapatnam District.

Counsel for the Petitioner: MR.TADDI.NAGESWARA RAO

Counsel for the Respondent Nos.1 to 3: GP FOR REVENUE

Counsel for the Respondent No.4: MR.M.SRINIVAS

The Court at the admission stage made the following:

ORDER:

Heard the learned counsel for the petitioner and Sri.M.Srinivas, the learned counsel appearing for the fourth respondent, as well as the learned Government Pleader for Revenue appearing for the respondents 1 to 3.

The petitioner seeks a writ of Mandamus declaring the alleged action of the respondents in proposing to assign the land admeasuring Ac.0.31 cents situated in Survey No.113/54 of Chinamunshiwada village, Pendurthi Mandal, Visakhapatnam District without following due process of law as arbitrary and illegal.

The petitioner states that he is the owner and possessor of the land in question having purchased the same under registered sale deed and that the action of the fourth respondent in interfering with his possession without following due process of law is unjustified and unwarranted.

Having regard to the facts and circumstances of the case and having heard the learned counsel appearing for both the parties, without expressing any opinion with regard to the claim of ownership, the writ petition is disposed of with a direction to the respondents not to interfere with the possession of the petitioner in respect of the land in question without following due process of law. No costs.

02.02.2005

Note: Furnish CC by 04.02.2005

(b/o)

VGB

To

1 The District Collector, Visakhapatnam.
2 The Joint Collector, Visakhapatnam.
3 The Mandal Revenue Officer, Pendurthi Mandal, Visakhapatnam District.
4 The Secretary, China Musidivada Grampanchayat Pendurthi Mandal,

Visakhapatnam District.

5 2CCs to the G.P. for Revenue, High Court Buildings, Hyderabad. (OUT)

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